

REMARKS

Reconsideration and allowance are respectfully requested.

The title of the invention has been amended in response to the Examiners objection. Claims 32 and 33 have been amended to more specifically define applicants' invention in response to Examiner's objections. Support for the amendments can be found throughout the specification. No new matter has been added.

Claims 32 and 33 have been rejected under 35 U.S.C. 112, second paragraph. Applicants revise claims 32 and 33 bearing in mind Examiner's objections and suggestions. It is believed that the rejection is moot in view of the amendments to the claims 32 and 33.

Claims 24-34 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Hague; and/or Unilever, and in further view of France. The rejection is respectfully traversed for at least the following reasons.

The present claims is drawn to a method of making stable foaming dispersion obtained by dissolving in water a preformed solid which is a mixture of at least one forming surfactant and at least one fatty amphiphile.

It is known in the art that some detergents are commercially available in solid form (as disclosed in France), however, the present invention is not directed to first dissolving a flaked surfactant prior to addition of remaining components to ensure a homogeneous mixture as suggested by the Examiner.

The claims of the present invention explicitly require dispersing in water "a preformed substantially uniform solid surfactant composition". The claimed preformed surfactant composition, clearly, does not cover a simple mixture of solid


materials. Hague alone or in combination with France does not teach or suggest in any way dispersing of preformed surfactant compositions in water.

The Examiner further states that the manufacturing examples of the instant specification, specifically method 3, disclose heating the surfactant blend to a liquid state. This is, however, incorrect. The pre-solid in manufacturing method 3 is dispersed in warm water and not melted to form a liquid. Moreover, it is not clear how one using solid or liquid surfactants, as suggested by the Examiner, would arrive to the claimed invention in the clear absence of any disclosure of solid preformed surfactant compositions. It is, therefore, submitted that the invention is not suggested by the cited references either alone or in combination.

Unilever reference discloses, as stated by the Examiner, that premixes of some components of foaming compositions may be made and combined for purposes of convenience. It is clear, that the disclosure of the reference is limited to formation of the compositions by simple mixing of their constituents with water. However, simple pre-mixing of components will not yield a preformed substantially uniform solid surfactant composition, as required by the present claims. The cited reference provides no hint or suggestion of the present invention, and actually teaches away from the claimed uniform solid compositions by suggesting simple mixing. The secondary reference, France, as discussed above, fails to remedy the deficiencies of the Unilever reference because it also fails to suggest preformed solid surfactant compositions. The advantage of the present invention goes far beyond simple convenience of mixing. It clearly provides surprising and significant improvement in manufacturing processes suitable for production of wide variety of products containing surfactants and emollient materials, as amply illustrated in the Examples of the present specification.

The invention, therefore, is neither taught nor is it obvious from the cited references alone or in combination. This application is now thought to be in condition for allowance and Notice to such effect is respectfully requested.

Respectfully submitted,
Pillsbury Winthrop, LLP

By: 

Paul L. Sharer

Reg. No. 36,004

Tel. No. (202) 861-3649

Fax No. (202) 822-0944

PLS/ISZ
1100 New York Avenue, NW
Ninth Floor, East Tower
Washington, DC 20005-3918

APPENDIX

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE TITLE:

The title is changed as follows:

METHOD FOR MAKING STABLE AQUEOUS FOAMING SURFACTANT
COMPOSITIONS [COMPOSITION].

IN THE CLAIMS:

The claims are amended as follows:

32. (Amended) A method as claimed in claim 26 in which the emollient is at least one or more normally liquid emollient oils, emollients which are solid at room temperature or mixtures thereof, wherein said normally liquid emollient oils are selected from mineral or paraffin oils, vegetable glyceride oils, animal glyceride oils, synthetic ester oils, silicone oils, and said emollients which are solid at room temperature are selected from jojoba wax, tallow wax, [and] coconut wax, [and/or] tallow oil, coconut oil, and mixtures thereof.
33. (Amended) A method as claimed in claim 24 in which the foaming surfactant comprises at least 50 % by weight of at least one mild surfactant.